

Application No. 09/912,609  
Response dated July 31, 2003  
Reply to Requirement for Restriction mailed July 1, 2003

Atty Dkt No. 5030-0001.24

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:  
Evan C. UNGER et al.

Confirmation No.: 8279

Serial No.: 09/912,609

Group Art Unit: 1617

Filing Date: July 25, 2001

Examiner: Shahnam J. Shararch

Title: NOVEL TARGETED DELIVERY SYSTEMS FOR BIOACTIVE AGENTS

**RESPONSE TO REQUIREMENT FOR RESTRICTION AND ELECTION OF SPECIES**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Requirement for Restriction mailed July 1, 2003, in which the Examiner required restriction between four groups of claims:

- I. Claims 1-48, drawn to compositions;
- II. Claims 49-98, drawn to a targeted matrix;
- III. Claim 99, drawn to a method of enhancing bioavailability; and
- IV. Claim 100, drawn to a method of treating cancer.

In response, applicants elect Group I, claims 1-48, without traverse. Accordingly, Claims 49-100 are withdrawn from consideration. Applicants expressly reserve their right under 35 USC § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application.

The Examiner has also required an election of one of the following species, asserting that they are patentably distinct:

- a) Different types of polymers;
- b) Different types of bioactive agents; and
- c) Different types of targeting ligands.

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In response to the requirement for an election of a polymer species, Applicants hereby elect a copolymer of polycaprolactone and polyethylene glycol. Claims 1-4 and 8-48 read on this species. Claims 5-7 do not read on this species.

In response to the requirement for an election of a bioactive agent species, Applicants hereby elect camptothecin derivatives. Claims 1-9 and 12-48 read on this species. Claims 10-11 do not read on this species.

In response to the requirement for an election of a targeting ligand species, Applicants hereby elect CRGDC (SEQ ID: NO 9). Claims 1-20 and 40-42 read on this species. Claims 21-39 and 43-48 do not read on this species.

Applicants remind the Examiner that this election of species is for the sole purpose of the Examiner's initial search and examination, and that upon allowance of a generic claim, Applicants are entitled to have all non-elected species encompassed by that claim examined (37 C.F.R. §1.141).

Applicants are also concurrently filing a Response to the Sequence Compliance Notice received with the Office Action dated July 7, 2003. The Response is being mailed to Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If the Examiner has any questions concerning this communication, or would like to discuss the application, the art, or other pertinent matters, they are welcome to contact the undersigned attorney at (650) 330-4916.

Respectfully submitted,

By:

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